

Please add new claims 34-66 as follows:

-- 34. (New) A material comprising a terpolymer having repeating units of L-lactide, D-lactide and glycolide.

A²
35. (New) The material as set forth in claim 34 comprising at least about 2 molar percent D-lactide.

36. (New) The material as set forth in claim 35 comprising at least about 4 molar percent D-lactide.

37. (New) The material as set forth in claim 36 comprising about 2 to about 10 molar percent D-lactide.

38. (New) The material as set forth in claim 37 comprising about 80-90 molar percent L-lactide, about 2-10 molar percent D-lactide, and about 5-15 molar percent glycolide.

39. (New) The material as set forth in claim 38 comprising about 83-87 molar percent L-lactide, about 3-7 percent D-lactide, and about 8-12 molar percent glycolide.

40. (New) The material as set forth in claim 39 consisting essentially of 85 molar percent L-lactide, 5 molar percent D-lactide, and 10 molar percent glycolide.

41. (New) The material as set forth in claim 34 further comprising about 0.1-5 molar percent of a polymer formed from alpha-hydroxy-alpha-ethylbutyric acid; alpha-hydroxy-beta-methylvaleric acid; alpha-hydroxyacetic acid; alpha-hydroxybutyric acid; alpha-hydroxycaproic acid; alpha-hydroxydecanoic acid; alpha-hydroxyheptanoic acid; alpha-hydroxyisobutyric acid; alpha-hydroxyisocaproic acid; alpha-hydroxyisovaleric acid; alpha-hydroxymyristic acid; alpha-hydroxyoctanoic acid; alpha-hydroxystearic acid; alpha-hydroxyvaleric acid; beta-butyrolactone; beta-propiolactide; gamma-butyrolactone; pivalolactone; or tetramethylglycolide; or combinations thereof.

42. (New) The material as set forth in claim 34 made by the process comprising:

- a) combining L-lactic acid monomer, glycolic acid monomer and at least about 2 molar percent D-lactic acid monomer to form a mixture; and
b) polymerizing substantially all of the mixture.

43. (New) The process of claim 42 wherein the polymerization is performed in the presence of a catalyst.

44. (New) The process of claim 43 wherein the polymerization is performed for between 24 and 72 hours.

a²
45. (New) The material as set forth in claim 34 wherein the polymer has a heat of fusion of about 0.4-10 J/G, tensile strength retention at 52 weeks of incubation of at most about 25%.

46. (New) The material as set forth in claim 34 wherein the polymer has a tensile strength at 0 weeks of incubation in buffered saline at 37°C of about 65-101 MPa, tensile strength at 26 weeks of incubation of about 50-75 MPa, and tensile strength at 52 weeks of incubation of 0 MPa.

47. (New) The medical device as set forth in claim 34 wherein the polymer has a bending strength of at least 120 MPa at 0 weeks incubation in buffered saline at 37°C, at least 110 at 4 weeks incubation, at least 110 at 8 weeks incubation, at least 70 at 12 weeks incubation and at least 45 at 26 weeks incubation.

48. (New) The material of claim 34 having a heat of fusion of about 0.4-10 J/G.

49. (New) The material of claim 48 having a heat of fusion of about 0.5-5 J/G.

50. (New) The material of claim 49 formed from a resin having a heat of fusion of about 15-25 J/G.

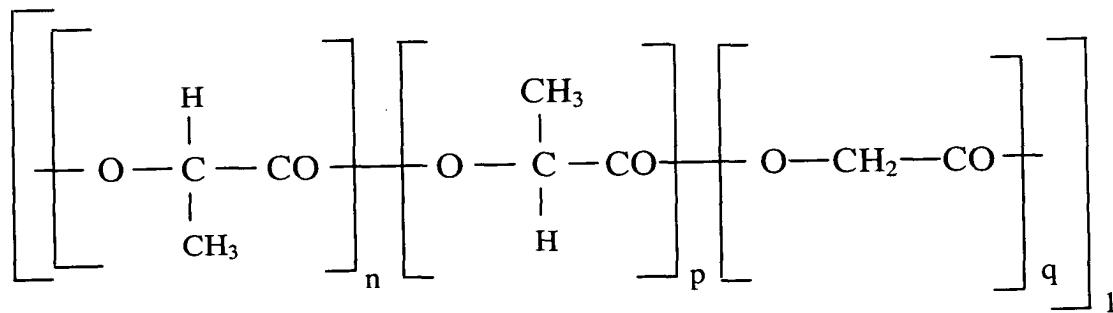
51. (New) The material of claim 50 formed from a resin having a heat of fusion of about 18-21 J/G.

52. (New) The material of claim 51 having tensile strength at 0 weeks of incubation in buffered saline at 37°C of about 74-92 MPa, tensile strength at 26 weeks of incubation of about 56-69 MPa, and tensile strength at 52 weeks incubation of about 0 MPa.

53. (New) The medical device as set forth in claim 34 wherein the polymer has an inherent viscosity between about 4.0 and 7.5 dl/g.

A7
54. (New) The medical device as set forth in claim 53 wherein the polymer has an inherent viscosity of between about 6.0 and 6.5 dl/g.

55. (New) A material comprising a polymer having repeating units depicted by the formula:



where the molar percentages of the repeating units are:

$$80 \leq n \leq 90$$

$$2 \leq p \leq 10$$

$$5 \leq q \leq 15.$$

56. (New) The medical devices as set forth in claim 55 wherein the polymer further comprises about 0.1-5 molar percent of a polymer formed from alpha-hydroxy-alpha-ethylbutyric acid; alpha-hydroxy-beta-methylvaleric acid; alpha-hydroxyacetic acid; alpha-hydroxybutyric acid; alpha-hydroxycaproic acid; alpha-hydroxydecanoic acid; alpha-hydroxyheptanoic acid; alpha-hydroxyisobutyric acid; alpha-hydroxyisocaproic acid; alpha-hydroxyisovaleric acid; alpha-hydroxymyristic acid; alpha-hydroxyoctanoic acid; alpha-hydroxystearic acid; alpha-hydroxyvaleric acid; beta-butyrolactone; beta-propiolactide; gamma-butyrolactone; pivalolactone or tetramethylglycolide; or combinations thereof.

57. (New) The medical device as set forth in claim 55 comprising at least about 4 molar percent D-lactide.

58. (New) The medical device as set forth in claim 55 comprising about 83-87 molar percent L-lactide, about 3-7 percent D-lactide, and about 8-12 molar percent glycolide.

NZ
59. (New) The medical device as set forth in claim 58 consisting essentially of 85 molar percent L-lactide, 5 molar percent D-lactide, and 10 molar percent glycolide.

60. (New) The medical device as set forth in claim 55 wherein the polymer has a tensile strength at 0 weeks of incubation in buffered saline at 37°C of about 65-101 MPa, tensile strength at 26 weeks of incubation of about 50-75 MPa and tensile strength at 52 weeks of incubation at 0 MPa.

61. (New) The medical device as set forth in claim 55 wherein the polymer has a bending strength of at least 120 MPa at 0 weeks incubation in buffered saline at 37°C, at least 110 at 4 weeks, at least 110 at 8 weeks, at least 70 at 12 weeks and at least 45 at 26 weeks incubation.

62. (New) The material of claim 55 having a heat fusion of about 0.4-10 J/G.

63. (New) The material of claim 55 having a heat fusion of about 0.5-5 J/G.

64. (New) The material of claim 55 formed from a resin having a heat of fusion of about 15-25 J/G.

65. (New) The material of claim 55 formed from a resin having a heat of fusion of about 18-21 J/G.

66. (New) The medical device as set forth in claim 55 wherein the polymer has an inherent viscosity between about 4.0 and 7.5 dl/g. --

REMARKS

Entry of the foregoing amendments prior to an action on the merits is requested. No new matter has been added.